UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,420	10/13/2000	Peter Joseph Rock	13DV13812	8491

29399   7590   04/25/2006

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EXAMINER
WONG, LESLIE

ART UNIT	PAPER NUMBER
2164	

DATE MAILED: 04/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/687,420	ROCK ET AL.
	Examiner	Art Unit	
	Leslie Wong	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 January 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>10/13/2000</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Receipt of Applicant's Amendment, filed 20 January 2006, is acknowledged.

Withdrawal of Rejections

2.   Applicants' amendments and arguments, regarding the 101 and 112 rejections,

are persuasive. The above rejections that were given in the Office Action dated 16

October 2005 are hereby withdrawn.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haq

et al. (hereinafter "Haq", US 6,275,812 B1) in view of Kurzius et al. (hereinafter

"Kurzius") (US 6385620 B1).

        As per claim 1, Haq disclosing a method for determining candidates to interview,

said method comprising the steps of:

        providing pre-determined desired qualities for a candidate, the desired qualities

include at least two of analytical ability, self-confidence, initiative, change orientation,

and interpersonal skills (Haq, col. 5, line 25 – col. 6, line 42, "ISDRM allows specific job

functions (roles and responsibilities) in a specialty to be identified by a skills template. A

skill template basically identifies the relevant importance of each skill (Weights) and the

skill level (Index) required in each skill to perform a job function. ... For example, a

Circuit Design Engineer needs to have an index of 1 in Management Skills". The

examiner interprets the circuit design skill as the pre-determined desired quality of

analytical ability, and the management skill as the pre-determined desired quality of

interpersonal skill);

the candidate possesses at least one of a plurality of independent characteristics,

a predetermined combination of characteristics being indicative of a degree to which the

candidate possesses the desired qualities (Haq, Fig. 5, col. 3, line 20 – col. 4, line 67,

col. 5, line 25 – col. 6, line 42, the system determines whether the candidate possesses

the circuit design skill which is the analytical ability in combination with management

skill which is the interpersonal skill)

generating a database in a computer readable medium including at least one

characteristic for each candidate wherein the at least one characteristic is correlative to

the desired qualities (Haq, Fig. 2, element 78, Employee Database, element 79, Skills

Assessment Forms);

normalizing the characteristics, normalizing includes comparing a total number of

characteristics, possessed by the candidate, of a combination of characteristics that

determine each desired quality, to a total number of possibly possessed characteristics

for the desired quality, and assigning a value to each desired quality based on the

comparison (Haq, Fig. 5-10, col. 4, line 61 – col. 5, line 5, col. 6, lines 5-61);

displaying results for each candidate based on the desired quality values (Haq,

col. 10, lines 40-43, "outputs of various of request/queries to the database").

Haq does not explicitly disclose "prompting a user to determine and input into a

computer...".

Kurzius, however, teaches prompting a user to determine and input into a

computer whether the candidate possesses at least one of a plurality of independent

characteristics, a predetermined combination of characteristics being indicative of a

degree to which the candidate possesses the desired qualities (Kurzius col. 17, lines

40-54 and Fig. 15);

It would have been obvious to one of ordinary skill in the art at the time of the

invention was made to combine the teachings of the cited references because Kurzius'

teaching would have allowed Haq's to survey candidate qualification data by presenting

a survey form for the candidate to enter his/her qualification data as suggested by

Kurzius at col. 9, lines 53-54.

Haq does not explicitly disclose selecting at least one candidate to interview

based on the desired quality values.

Kurzius, however, teaches selecting at least one candidate to interview based on the desired quality values as an interview action list may be updated to indicate to a recruiter that an employer desires an interview with a candidate (col. 14, lines 32-35).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of the cited references because Kurzius' teaching would have allowed Haq's to enable the employer to decide which candidate is the most suitable candidate for the job through the interview process.

As per claim 2, Haq and Joao teach all the claimed subject matters as discussed in claim 1, and further disclose storing the predetermined desired qualities for a candidate within the database, the desired qualities include analytical ability, self-confidence, initiative, change orientation, and interpersonal skills (Haq, Fig. 5, col. 5, line 25 – col. 6, line 42).

As per claim 3, Haq and Joao teach all the claimed subject matters as discussed in claim 1, and further disclose obtaining pre-determined desired qualities associated with each characteristic (Haq, Fig. 5, col. 5, line 25 – col. 6, line 42); and normalizing characteristics of each candidate with the pre-determined desired qualities associated with each characteristic (Haq, col. 6, lines 5-55).

As per claim 4, Haq and Joao teach all the claimed subject matters as discussed in claim 1, and further disclose summing the normalized characteristics of each

candidate; and dividing the sum total of the normalized characteristics by a pre-

determined value representing a total amount possible (Haq, col. 5, line 1 – col. 6, line

55).

As per claim 5, Haq and Joao teach all the claimed subject matters as discussed

in claim 1, and further disclose displaying the results (Haq, col. 10, lines 40-43), which

inherently includes displaying the results of the candidates in at least one of a tabular

output format and a graphical output format.

Claims 6-8 rejected on grounds corresponding to the reasons given above for

claims 1-3.

As per claim 9, Haq and Joao teach all the claimed subject matters as discussed

in claim 6, and further disclose

rank each candidate based on normalized characteristics (Haq, Fig. 11); and

sum the normalized characteristics of each candidate (Haq, col. 5, line 1 – col. 6,

line 55).

As per claim 10, Haq and Joao teach all the claimed subject matters as

discussed in claim 9, and further disclose divide the sum total of all normalized

characteristics by an amount representing a pre-determined possible total (Haq, col. 5,

line 1 – col. 6, line 55).

As per claim 11, Haq and Joao teach all the claimed subject matters as discussed in claim 6, and further disclose displaying the results (Haq, col. 10, lines 40-43), which inherently includes displaying the results of the candidates in at least one of a tabular output format and a graphical output format.

Claims 12-13 are rejected on grounds corresponding to the reasons given above for claims 1-2.

As per claim 14, Haq and Joao teach all the claimed subject matters as discussed in claim 12, and further disclose normalizing the characteristics, said processor further programmed with pre-determined desired qualities associated with each characteristic (Haq, col. 5, line 25 – col. 6, line 61).

As per claim 15, Haq and Joao teach all the claimed subject matters as discussed in claim 12, and further disclose normalize the characteristics, said processor further programmed to normalize candidate characteristics with known qualities associated with each characteristic (Haq, col. 5, line 25 – col. 6, line 61).

As per claim 16, Haq and Joao teach all the claimed subject matters as discussed in claim 12, and further disclose summing the normalized characteristics of each candidate; and dividing the sum total of the normalized characteristics by an amount representing a predetermined possible total (Haq, col. 5, line 1 – col. 6, line 61).

As per claim 17, Haq and Joao teach all the claimed subject matters as discussed in claim 16, and further disclose displaying the results (Haq, col. 10, lines 40-43), which inherently includes displaying the results of the candidates in a tabular output format.

As per claim 18, Haq and Joao teach all the claimed subject matters as discussed in claim 16, and further disclose displaying the results (Haq, col. 10, lines 40-43), which inherently includes displaying the results of the candidates in a graphical output format.

As per claim 19, Haq does not explicitly teach wherein prompting a user to determine and input into a computer whether the candidate possesses at least one of a plurality of independent characteristics comprises prompting the user to determine and input into the computer whether the candidate possesses at least one of a grade point average greater than 3.4 out of 4.0, multiple degrees, multiple majors, multiple minors, an honor society membership, a society officer position, a team captain position, military service, significant travel exposure, education outside a home country of the candidate, community service participation, tutor experience, technical publication, awards, exceptional work experience, and extracurricular activities.

Kurzius, however, teaches prompting a user to determine and input into a computer whether the candidate possesses at least one of a plurality of independent characteristics comprises prompting the user to determine and input into the computer

whether the candidate possesses at least one of a grade point average greater than 3.4

out of 4.0, multiple degrees, multiple majors, multiple minors, an honor society

membership, a society officer position, a team captain position, military service,

significant travel exposure, education outside a home country of the candidate,

community service participation, tutor experience, technical publication, awards,

exceptional work experience, and extracurricular activities (col. 9, lines 53-60 and col.

10, lines 25-32 and Figs. 14a, 14b and 15).

It would have been obvious to one of ordinary skill in the art at the time of the

invention was made to combine the teachings of the cited references because Kurzius'

teaching would have allowed Haq's to survey candidate qualification data by presenting

a survey form for the candidate to enter his/her qualification data as suggested by

Kurzius at col. 9, lines 53-54.

As per claim 20, Haq does not explicitly teach wherein prompting a user to

determine and input into a computer whether the candidate possesses at least one of a

plurality of independent characteristics comprises prompting the user to make a

subjective assessment of whether the candidate possesses at least one of a plurality of

independent characteristics.

Kurzius, however, teaches wherein prompting a user to determine and input into

a computer whether the candidate possesses at least one of a plurality of independent

characteristics comprises prompting the user to make a subjective assessment of

whether the candidate possesses at least one of a plurality of independent

characteristics (col. 17, lines 40-54 and Figs. 14a, 14b and 15).

It would have been obvious to one of ordinary skill in the art at the time of the

invention was made to combine the teachings of the cited references because Kurzius'

teaching would have allowed Haq's to survey candidate qualification data by presenting

a survey form for the candidate to enter his/her qualification data as suggested by

Kurzius at col. 9, lines 53-54.

Response to Arguments

5.   Applicant's arguments filed on 20 January 2006 have been fully considered but

they are not persuasive.

Applicant traverse the assertion in the Office Action that "the examiner interprets

the circuit design skill as the predetermined desired quality of analytical ability, and the

management skill as the pre-determined desired quality of interpersonal skill" does not

support a prima facie obvious rejection.

In response to the preceding arguments, Examiner respectfully submits that Haq

teaches the skills template that identifies the relevant skill (Weights) and the skill level

(Index) required in each skill to perform a job function. The skills templates are used by

managers to deploy employees with suitable skills for various assignments (col. 5, lines

25-31) and employee Suitability Assessment for a Job Assignment before staffing a

project by calculating a Suitability SAI based on the given formula on col. 6, lines 50-55

(col. 6, lines 4-10). Further, Haq teaches a Circuit Design Engineer needs to have an

index of 1 in Management Skills (col. 6, lines 35-37). Additionally, Haq teaches an RF

Engineer wants to become an RF Lead Engineer would have to obtain both technical

(i.e., analytical ability) and management (i.e., interpersonal skills) experience

accordingly (col. 5, lines 45-49). Consequently, Haq teaches the limitation as claimed.

As per applicant's arguments regarding the references do not teach generating a

database including at least one characteristic for each candidate wherein the at least

one characteristic is correlative to the desired qualities have been considered but are

not persuasive.

In response to the preceding arguments, Examiner respectfully submits that Haq

teaches generating a database including at least one characteristic for each individual

wherein the at least one characteristic is correlative to the desired qualities (Haq, Fig. 2,

element 78, Employee Database, element 79, Skills Assessment Forms, Fig. 5-7. Fig.

5-7 show whether engineer 1, 2 and 3 possess certain characteristic correlative to the

desired qualities).

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Leslie Wong whose telephone number is (571) 272-

4120. The examiner can normally be reached on Monday to Friday 9:30am - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, CHARLES RONES can be reached on (571)272-4085. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Leslie Wong
Primary Patent Examiner
Art Unit 2164

LW
April 23, 2006